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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EDWARD FULLER, individually and on behalf  
of others similarly situated,

Case No. 4:21-cv-05436-KAW

Plaintiff,

**NOTICE OF RELATED CASES**

v.

Judge: Honorable Kandis A. Westmore

CHATTEM, INC.,

Defendant.

1 Pursuant to Civil L.R. 3-12, Defendant Chattem, Inc. (“Defendant”) states that the above-  
 2 captioned case (the “*Fuller* Action”) is related to *Scilex Pharmaceuticals Inc. v. Sanofi-Aventis U.S.*  
 3 *LLC*, et al., No. 4:21-cv-01280-JST (the “*Scilex* Action”), which was filed on February 23, 2021, and  
 4 currently before Judge Jon S. Tigar in the Northern District of California. This case is also related to  
 5 *Cruz v. Sanofi US Corporation*, No. 3:21-cv-05536-VC (the “*Cruz* Action”), which was filed on May 1,  
 6 2021, and is currently assigned to Judge Vince Chhabria.

7 This Court previously held that two other cases—*Kyla Tapia v. Sanofi-Aventis U.S. LLC*, No.  
 8 4:21-cv-01942-JST (the “*Tapia* Action”) and *Donna Doss v. Hisamitsu America, Inc.*, No. 4:21-cv-  
 9 01943-JST (the “*Doss* Action”)—were also related to the *Scilex* Action. *Scilex* Action, Dkt. 49.

10 “An action is related to another when: (1) The actions concern substantially the same parties,  
 11 property, transaction or event; and (2) It appears likely that there will be an unduly burdensome  
 12 duplication of labor and expense or conflicting results if the cases are conducted before different Judges.”  
 13 L.R. 3-12(a)(1)–(2). The parties agree that, under this standard, the *Scilex* Action, *Fuller* Action, and  
 14 *Cruz* Action are plainly related.

15 As to the first factor, the *Scilex* Action, *Tapia* Action, *Fuller* Action, and *Cruz* Action seek relief  
 16 against Sanofi or its subsidiary Chattem under state unfair competition laws related to the alleged  
 17 advertising claims for lidocaine patch products marketed under the brand names IcyHot® or  
 18 Aspercreme® by Chattem. Compare *Scilex* Action Dkt. 42, *Tapia* Action Dkt. 1, with *Fuller* Action  
 19 Dkt. 1 and *Cruz* Action Dkt. 1. As to the second factor, there would be unduly burdensome duplication  
 20 of labor and expense if the cases are not related. For example, if the four cases survive the pleading  
 21 stage, Defendants will likely need to produce many of the same documents and witnesses in each action.  
 22 Accordingly, discovery should be coordinated to avoid waste and duplication and to ensure efficient  
 23 resolution.

24 Defendant has filed a motion for administrative relief in the above-captioned action requesting  
 25 consideration of whether the cases should be related and the *Fuller* Action be reassigned to the Honorable  
 26 Jon S. Tigar.

1 Dated: July 28, 2021

Respectfully submitted,

2 WEIL, GOTSHAL & MANGES LLP

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4 By: /s/ Randi Singer  
RANDI SINGER

5 Attorneys for Defendant CHATTEM, INC.

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